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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PROGRESSIVE CASUALTY
INSURANCE COMPANY

Plaintiff,

v.

FEDERAL DEPOSIT INSURANCE
CORPORATION, AS RECEIVER OF
SILVER STATE BANK; COREY L.
JOHNSON; DOUGLAS E. FRENCH;
GARY A. GARDNER; and TIMOTHY S.
KIRBY

Defendants.

Case No. 2: 12-cv-00665-KJD-PAL

**PLAINTIFF PROGRESSIVE CASUALTY INSURANCE COMPANY'S
UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
MEMORANDUM CONCERNING DOCUMENTS FILED UNDER SEAL**

Now comes Plaintiff Progressive Casualty Insurance Company ("Progressive"), by
and through its undersigned counsel, and respectfully requests that the Court grant

1 Progressive an extension of time until Thursday, November 14, 2013 to file a memorandum
2 regarding documents filed under seal by Defendant Federal Deposit Insurance Corporation,
3 as Receiver of Silver State Bank (“FDIC-R”). This motion is unopposed by the FDIC-R and
4 the individual defendants in this matter.¹ In support of this motion Progressive states as
5 follows:

6 On October 15, 2013, the FDIC-R filed a Motion for Leave to File Under Seal the
7 FDIC-R’s Supplemental Brief Regarding Pending Discovery Motions [DE 109]. That same
8 day, the FDIC-R filed its supplemental brief and exhibits under seal. On October 18, 2013,
9 the Court entered an order [DE 110] providing until November 1, 2013 for Progressive to file
10 a memorandum complying with the requirements of *Kamakana v. City and County of*
11 *Honolulu*, 447 F.3d 1172 (9th Cir. 2006). Due to an oversight, for which Progressive’s
12 counsel apologizes to the Court, this memorandum has not been filed.

13 On October 25, 2013, the FDIC, as Receiver of Sun West Bank (FDIC-RS), filed in
14 the action captioned *Progressive Casualty Insurance Company v. Delaney, et al.*, No. 2:11-
15 cv-LJR-PAL (D. Nev.), a Motion to Seal Motion to Compel Discovery from Progressive
16 [Sun West, DE 69]. That same day, the FDIC-RS filed its motion to compel and exhibits
17 under seal. On November 1, 2013, the Court entered an order [Sun West, DE 70] providing
18 until November 14, 2013 for Progressive to file a memorandum complying with the
19 requirements of *Kamakana*. The documents designated as confidential by Progressive that
20 prompted the FDIC-RS’s motion to seal in the Sun West declaratory judgment action are the
21 same documents that prompted the FDIC-R’s motion for leave to file under seal in this
22 action.

23 Progressive respectfully requests that the Court allow it until November 14, 2013 to
24 file a memorandum in this action concerning these documents, at which time Progressive
25

26 ¹ Progressive has been advised by counsel for Defendant Timothy Kirby that Mr. Kirby
27 recently passed away.

1 also will file a memorandum regarding these documents in the Sun West declaratory
2 judgment action.

3 Respectfully submitted this 7th day of November, 2013.

4
5 /s/ Brian E. Holthus

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25 *Counsel for Progressive Casualty*
26 *Insurance Company*

27
CERTIFICATE OF SERVICE


21 The undersigned hereby certifies that on this 7th day of November, 2013, I caused a
22 copy of the foregoing **Plaintiff Progressive Casualty Insurance Company's Unopposed**
23 **Motion for Extension of Time to File Memorandum Concerning Documents Filed**
24 **Under Seal** to be electronically served upon all attorneys of record in this action.

25
26 /s/ Agnes R. Wong
27 An Employee of
Jolley Urga Wirth Woodbury & Standish

ORDER

IT IS SO ORDERED that Progressive shall have until November 14, 2013 to file a memorandum concerning the documents filed under seal by the FDIC-R on October 15, 2013.

Dated this 34th day of November, 2013.


United States Magistrate Judge